

REMARKS

Remarks Regarding Amendment

Claim 35 was not subject to any rejection or objection. However, Applicant has hereby amended claim 35 to correct a typographical error, and make clear that the method step therein involves utilizing the device as set forth in claim 1. This amendment further clarifies claim 35 and avoids any possible ambiguity with regard to this claim.

Response to Restriction Requirement

In the Office Action mailed April 9, 2007, a restriction requirement was imposed whereby Applicant is required to elect one of the following groups of claims for prosecution on the merits:

Group I, namely claims 1, 4, 8, 11, 14, 16, 17, 19, 21, 22, 24, 25, 27, 32 and 33, drawn to a device;

Group II, namely claims 35, 37, 38 and 48, drawn to a method for administering a fluid through the use of the device; and

Group III, namely claim 47, drawn to a method for conferring passive immunity to a newly born animal.

Applicant respectfully traverses the restriction requirement. The claims of Group I are all drawn to a specifically described device for administering a fluid to an animal. The claims of Group II are all drawn to a method for administering a fluid to an animal through the use of the device of claim 1. As such, the method of claim 2 is inherently limited by the structural limitations of the device of claim 1. Consolidating claims of Group I and Group II for prosecution on the merits will not unduly burden the Examiner, since any search directed to the

structure of the fluid dispensing device of Group I will inherently encompass the use of that device for dispensing fluid to an animal. Hence, no search burden is imposed upon the Examiner, and Patent Office efficiency is maximized by the consolidated prosecution.

Likewise, the claim of Group III is directed to a method for conferring immunity to an animal by dispensing a fluid such as colostrum to the animal through the use of the device of claim 1. Again, consolidation of claim 47, the sole claim of Group III, with the claims of Groups I and II will not impose any further burden on the Examiner, since any search directed to the fluid dispensing device of claim 1, and/or use of that device to dispense fluid to an animal will of necessity include the use of that device to dispense fluid to an animal for the purpose of conferring immunity. Therefore, withdrawal of the restriction requirement and consolidation of the claims for examination will not burden the Examiner and will in fact increase the efficiency of the United States Patent and Trademark Office.

Applicant further points out to the Examiner that this present U.S. application is the national phase of a PCT application, and no unity of invention objection was raised in the PCT application; and in fact, the PCT examined claim 35 with device claims 1-34 and found them all novel, inventive, and possessed of industrial applicability. Applicant respectfully requests that the Examiner do the same in this application.

Should the Examiner still be of the opinion that the restriction requirement is proper, Applicant hereby provisionally elects the claims of Group I for further prosecution on the merits, and provisionally withdraws the remaining claims from consideration, while reserving the right to file one or more divisional applications directed thereto.

Any questions, comments or suggestions the Examiner may have should be directed to the undersigned attorney.

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Respectfully submitted,

By 

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